

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Ingrid Allen, Planner II

SUBJECT: Ordinance 1st Reading/Quasi-judicial
VA 3-1-06 / Southwest 26th Street / Generally located along
Southwest 26th Street between Flamingo Road and Southwest 127th
Avenue

AFFECTED DISTRICT: District 3 (to the North) and District 4 (to the South)

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 3-1-06, VACATING PORTIONS OF ROAD RIGHT-OF-WAY FOR SOUTHWEST 26TH STREET AS SHOWN ON THE PLAT OF UNIT "E" FLAMINGO GROVES, AS RECORDED IN PLAT BOOK 15, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY AND ON THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioners are requesting that the Town of Davie vacate portions of road right-of-way (see Exhibit A) along Southwest 26th Street between Flamingo Road and Southwest 127th Avenue. The petitioners are requesting this vacation in order to comply with the surrounding community's desire to create and preserve a recreational/equestrian trail. The petitioners are intending to dedicate this property back to the Town in order to construct a recreational/equestrian trail. Therefore, the following portions of road right-of-way are requesting to be vacated along Southwest 26th Street:

1. Fifteen (15) feet of road right-of-way, between Flamingo Road and Southwest 127th Avenue, immediately south of the north section line 23-50-40.
2. Twenty-five (25) feet of road right-of-way, located along lot 169, immediately north of the south section line 14-50-40.

PREVIOUS ACTIONS:

At the April 19, 2006 Town Council meeting, VA 3-1-06 was tabled to the June 7, 2006 meeting.
(Motion carried 5-0)

CONCURRENCES:

At the May 10th, 2006 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to move forward contingent upon the letters from the utility companies and staff's recommendation. **(Motion carried 5-0)**

FISCAL IMPACT: None

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

ATTACHMENT(s):

Ordinance, Planning Report, Justification Letters (2), Sketch and Description (2) – Exhibit A, Future Land Use Map, Zoning and Aerial map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 3-1-06, VACATING PORTIONS OF ROAD RIGHT-OF-WAY FOR SOUTHWEST 26TH STREET AS SHOWN ON THE PLAT OF UNIT "E" FLAMINGO GROVES, AS RECORDED IN PLAT BOOK 15, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY AND ON THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a 25-foot wide portion of road right-of-way along Southwest 26th Street within Section 14, Township 50 South, Range 40 East, was dedicated by Unit "E" Flamingo Groves, as recorded in Plat Book 15, Page 5 of the Public Records of Broward County, said lands lying in Broward County, Florida; and

WHEREAS, a 15-foot wide portion of road right-of-way along Southwest 26th Street within Section 23, Township 50 South, Range 40 East, was dedicated by the Florida Fruit Lands Company's Subdivision Number 1, as recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, said lands lying in Broward County, Florida; and

WHEREAS, the intent of the property owners is to dedicate back to the Town of Davie their respective portions of road right-of-way vacated by the Town of Davie so that a recreational/equestrian trail can be constructed; and

WHEREAS, the Town of Davie desires to construct and maintain a recreational/equestrian trail upon the property that will connect to and enlarge the existing trail system; and

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, and a public hearing was held on the date of the adoption of this ordinance; and

WHEREAS, on the date of adoption of this Ordinance, the Town Council of the Town of Davie did agree to the vacation request.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the right-of-way herein after described be vacated by the Town of Davie:

- a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2006.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2006.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006.

Application: VA 3-1-06/ Southwest 26 Street
Exhibit "A"

Revisions: 5/15/06
Original Report Date: 5/2/06

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

Applicant Information

Owner: Town of Davie
6591 Orange Drive
Davie, Florida 33314

Petitioners:

Name:	PACC Development LLC	Name:	ECATS 2 LLC
Address:	7116 SW 47 Street	Address:	C/O Rhon Ernest-Jones Consulting Engineers
City:	Miami, Florida 33155	City:	12500 West Atlantic Blvd.
Phone:	(305) 669-3881	Phone:	Coral Springs, Florida 33071
			(954)344-9855

Background Information

Date of Notification:	4/5/06	Number of Notifications:	97
Application Request:	Request is to vacate a portion of Southwest 26 th Street road right-of-way.		
Address/Location:	Southwest 26 th Street / Generally located along Southwest 26 th Street in between Southwest 127 th Avenue and Flamingo Road.		
Future Land Use Plan Designation:	Residential 1 DU/AC		
Zoning:	AG, Agricultural District		
Existing Use:	Road right-of-way (idle)		
Proposed Use:	Recreational/equestrian trail		
Parcel Size:	34,938 Sq. Ft. (.802 Acres)		

Surrounding Uses:

Northwest: Vacant (proposed single-family residential development/Flamingo Isles)

Northeast: Farm

Surrounding Land Use Plan Designation:

Residential (1 DU/AC)

Residential (1 DU/AC)

South:	Wood Stable (proposed single-family residential development/Stonebridge Estates)	Residential (1 DU/AC)
East:	Flamingo Road	Residential (1 DU/AC)
West:	Southwest 127 th Avenue	Residential (1 DU/AC)

Surrounding Zoning:

North:	AG, Agricultural District
South:	AG, Agricultural District
East:	AG, Agricultural District
West:	A-1, Agricultural District

Zoning History

Related Zoning History: Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous Request on the Same Property: *Vacation Application* (VA 1-1-06): At the February 1, 2006 Town Council meeting, Councilmember Starkey made a motion, seconded by Mayor Truex, to withdraw VA 1-1-06 (Motion carried 5-0).

Applicable Codes & Ordinances

Land Development Code (Section 12-310), review for vacations or abandonment's of right-of-way.

DIVISION 3. RURAL LIFESTYLE DEVELOPMENT REGULATIONS

Land Development Code (Section 12-295) (B) (2), Future trails shall provide for both recreational and equestrian trails, providing for the 30-foot cross-section and amenities. Trails shall be dedicated to the Town, when possible, equally between any adjacent property owners.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies:

Future Land Use Element, Objective 15: Consistency of Development with Comprehensive Plan, Policy 15-1: The designation of lands for Transportation purposes shall insure the preservation of transportation corridors and acquisition of right-of-way necessary to address future needs.

Future Land Use Element, Policy Group 11: Recreation and Open Space Use, Policy 11-7: Acquisition and development of land for recreational pathways, including bikepaths, equestrian paths and pedestrian paths, shall be consistent with Trail System of the Open Space Program.

Application Details

The petitioners are requesting that the Town of Davie vacate portions of road right-of-way (see Exhibit A) along Southwest 26th Street from Southwest 127th Avenue to Flamingo Road so that it may be dedicated back to the Town in order to construct a recreational/equestrian trail. The petitioners are requesting this vacation to comply with the surrounding community's desire to create and preserve a recreational/equestrian trail as well as provide assurance that SW 26 Street will not be improved in the future.

Staff Analysis

The following portions of road right-of-way are requesting to be vacated along Southwest 26 Street:

1. Fifteen (15) feet of road right-of-way, between Flamingo Road and SW 127 Avenue, immediately south of the north section line 23-50-40.
2. Twenty-five (25) feet of road right-of-way, located along lot 169, immediately north of the south section line 14-50-40.

The intent of both petitioners is to dedicate back to the Town of Davie their respective portions of road right-of-way, referenced above, in order to construct a recreational/equestrian trail. It is important to note that Section 12-295 (B)(2) of the Land Development Code states that future trails shall provide for both recreational and equestrian trails, providing for the 30-foot cross-section and amenities. The required width of thirty (30) feet may not be met along the entire length of Southwest 26th Street, being that the southeast section of the proposed trail will only total fifteen (15) feet in width.

Findings of Fact

Vacations or abandonments of right-of-way:

Section 12-310 (A) (1):

The following findings of fact apply to the vacation requested:

(a) It will not adversely affect access to neighboring properties.

The vacation of road right-of-way will allow for the eventual construction of a recreational/equestrian trail that will enhance the rural theme central to the Town of Davie's identity. However, it is important to note that the removal of Southwest 26th Street road right-of-way will limit the opportunities for the Town to create east-west road connectivity.

(b) It will not be in conflict with the public interest.

Public Participation meetings held by both developers proposing single-family residential developments to the south and northwest, indicated the community's desire for this road right-of-way to be vacated in order to preserve the character of their neighborhood by creating a recreation/equestrian trail.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council subject to the following conditions:

1. Letter of consent to vacate from the following public and private utility companies listed in the Vacation application: Florida Power & Light, Bellsouth, Central Broward Drainage District, South Broward Drainage District, and Town of Davie Utilities. Upon request of the utility company, the Town would be willing to issue an easement for utility purposes.

2. The Vacation requests are contingent upon the dedication of properties described in Exhibit A for a recreational/equestrian trail. Subsequently, the dedication of properties is contingent upon approval of these Vacation requests.

Planning & Zoning Board Recommendation

At the May 10th, 2006 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to move forward contingent upon the letters from the utility companies and staff's recommendation. **(Motion carried 5-0)**

Town Council Recommendation

At the April 19, 2006 Town Council meeting, VA 3-1-06 was tabled to the June 7, 2006 meeting. **(Motion carried 5-0)**

Exhibits

1. Justification Letters (2)
2. Surveyor's Vacation Sketch and Description (2) - Exhibit A
3. Future Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____



May 2, 2006

Development Services Department
Planning & Zoning Division
Town of Davie
6591 Orange Dr.
Davie, FL 33314

REF: JUSTIFICATION LETTER FOR VACATING SW 26 STREET

Dear Mr. David Abramson:

PAAC Development, LLC is developing property at the northeast corner of S.W. 127th Avenue and S.W. 26th Street. The residents of Trail Ridge have requested to the Town of Davie that the road right-of-way that would permit the extension of 26th Street from S.W. 127th Avenue to Flamingo Road be vacated. Further, the residents have requested that a recreational trail, including a horse trail, be substituted in place of the proposed 26th Street. The applicant is agreeable and supports the request of the residents by the filing of this application.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Carlos Castellanos', is written over a horizontal line.

Carlos Castellanos
Managing Member

RHON ERNEST-JONES
CONSULTING ENGINEERS, INC.

CIVIL ENGINEERS LAND PLANNERS
TRANSPORTATION PLANNERS LANDSCAPE ARCHITECTS

April 21, 2006

Town of Davie
6591 Orange Drive
Davie, FL 33314

Attn: **Bruce Dell, Planning & Zoning Manager**

Re: **Application for Vacation of Road Right-of-Way**
Stonebridge Estates – W. Side of Flamingo Road, S. of SW 26th St. ROW
Our Job #05-0507-0100

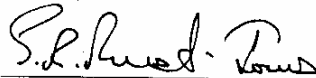
Dear Mr. Dell:

The purpose of this request is to allow for the vacation of the existing fifteen (15) foot SE 26th Street road right-of-way immediately north of and contiguous to the Stonebridge Estates project site. As you know, the property owners immediately north of the subject site are also in the process of making application for vacation of the remaining SW 26th Street right-of-way.

Participants of the two (2) required community meetings for this project made clear the community's desire for this right-of-way to be vacated in order to preserve the character of their neighborhoods, as well as to provide assurance that SW 26th Street will not be improved in the future. This application is being made pursuant to that request, and we intend to rededicate the vacated right-of-way back to the Town for use as open space and/or part of the existing trail system at the Town's discretion.

Please do not hesitate to contact me should you require additional information to fulfill this request. Thank you for your consideration in this matter.

Best Regards,



Rhon Ernest-Jones, P.E., AICP
Managing Member
ECATS2

Patriot Surveying and Mapping, Inc.

3748 NW 124th Avenue Coral Springs, Florida 33065

Phone: (954) 509-0083

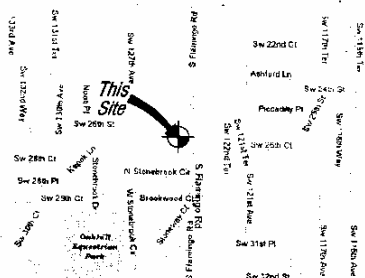
Fax: (954) 301-2623

LB # 7303

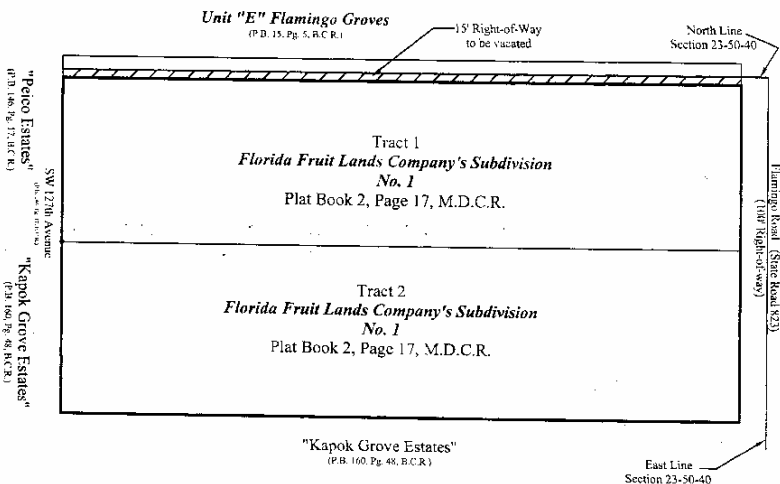
- Sketch and Description -


Sheet 1 of 3

Right-Of-Way Vacation



Location Map
(Not to Scale)




Dennis J. Gabriele
Professional Surveyor and Mapper No. LS5709
State of Florida

4-21-06

Not Valid without the signature
and original raised seal of a Florida
licensed Surveyor and Mapper

Updates and Revisions		Date	By	QC	<p>NOTE: The undersigned and PATRIOT SURVEYING and MAPPING, INC. make no representations or warranties as to the completeness of the information reflected herein pertaining to easements, right-of-way, set-back lines, reservations, agreements or other matters of record. This statement is intended to reflect or set forth only those items shown in the references above. PATRIOT SURVEYING and MAPPING, INC. did not research the public records for matters affecting the lands shown. This instrument is the property of PATRIOT SURVEYING and MAPPING, INC. and shall not be reproduced in whole or in part without written permission of PATRIOT SURVEYING and MAPPING, INC.</p>
Job No. 0506-020		Drawn By: DN			<p>QA / QC: DG</p> <p>FB. PG. Scale: NTS</p>

3748 NW 124th Avenue Coral Springs, Florida 33065
 Phone: (954) 509-0083 Fax: (954) 301-2623

LB # 7303

- Sketch and Description -

Sheet 2 of 3

Survey Notes

1. Bearing Reference: The Bearings shown hereon are referenced to the Florida Department of Transportation Right of Way Map for Flamingo Road (State Road 823) Section number 86190-2516.
2. P.B. denotes Plat Book
3. Pg. denotes Page
4. B.C.R. denotes Broward County Records
5. M.D.C.R. denotes Miami-Dade County Records
6. This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.

"Peico Estates"
(P.R. 146, Pg. 17, B.C.R.)

SW 127th Avenue

S 00°08'35" E -
15.00'

- 25' Right-of-Way (P.B. 15, Pg. 5, B.C.K.)

Tract 1
Florida Fruit Lands Company's Subdivision
No. 1
Plat Book 2, Page 17, M.D.C.R.

Unit "F" Flamingo Groves
(Pb. 15, Pg. 5, R.C.R.)

(Pb. 15.72.5, R.C.K.)

46°20' W 1,270.90'

N 89°46'20" E 1,270.89'

North Line Section 23-50-4

N 00°08'27" W-
15.00'

P.O.B.

Flamingo Road (State Road 823)
(100' Right-of-way)

P.O.C.
Northeast corner
Section 23-50-40

Updates and Revisions		Date	By	QC	<p>NOTE: The undersigned and PATRIOT SURVEYING AND MAPPING, INC. make no representations or guarantees as to the completeness of the information reflected herein pertaining to easements, right-of-way, set-back lines, reservations, agreements or other matters of record. This instrument is intended to reflect an act forth only those items shown in the references above. PATRIOT SURVEYING AND MAPPING, INC. did not research the public records for matters affecting the lands shown. This instrument is the property of PATRIOT SURVEYING AND MAPPING, INC. and shall not be reproduced in whole or in part without written permission of PATRIOT SURVEYING AND MAPPING, INC.</p>			
Job No. 9506-020		Drawn By: DN			QA / QC: DG	FB.	PG.	Scale: NTS

**Patriot Surveying and Mapping, Inc.**

3748 NW 124th Avenue Coral Springs, Florida 33065

Phone: (954) 509-0083

Fax: (954) 301-2623

LB # 7303

Sheet 3 of 3

- Legal Description -

A parcel of land lying in Section 23, Township 50 South, Range 40 East, Broward County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 23;

Thence, South 89°46'20" West, along the North line of Section 23, a distance of 50.00 feet to a point on the West Right-of-Way line of State Road 823 (Flamingo Road), and the **Point of Beginning**;

Thence, continue along the North line of Section 23, South 89°46'20" West, a distance of 1,270.90 feet;

Thence, South 00°08'35" East, a distance of 15.00 feet to the Northwest corner of Tract 1, **Florida Fruit Lands Company's Subdivision No. 1**, according to the plat thereof, as recorded in Plat Book 2, Page 17, of the Public Records of Miami-Dade County, Florida;

Thence, North 89°46'20" East, along the North line of said Tract 1, a distance of 1,270.89 feet to a point on the West Right-Of-Way line of State Road 823 (Flamingo Road);

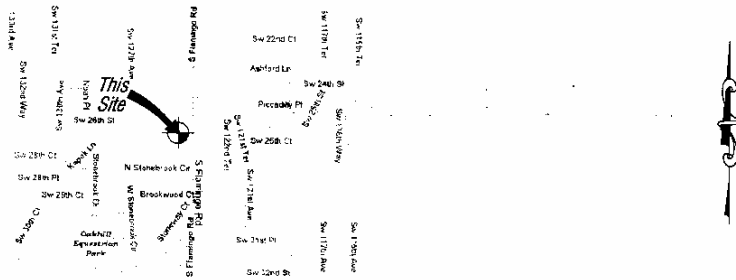
Thence, North 00°08'27" West, along the West line of State Road 823, a distance of 15.00 feet to the **Point of Beginning**.

Said lands lying and being in the Town of Davie, Broward County, Florida, and containing 19,063 square feet (0.438 acres) more or less.

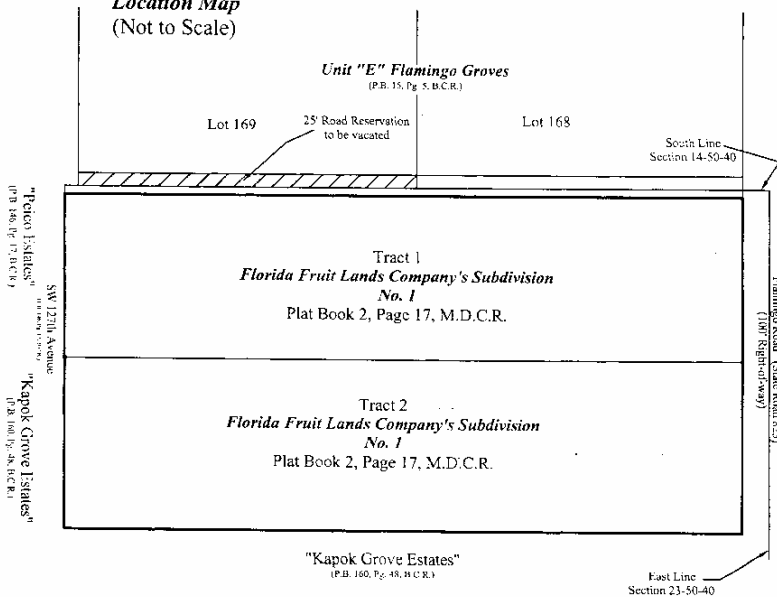
LB # 7303


- Sketch and Description - Road Reservation Vacation

Sheet 1 of 3



Location Map
(Not to Scale)




Dennis J. Gabriele
Professional Surveyor and Mapper No. LS5709
State of Florida

4-21-06

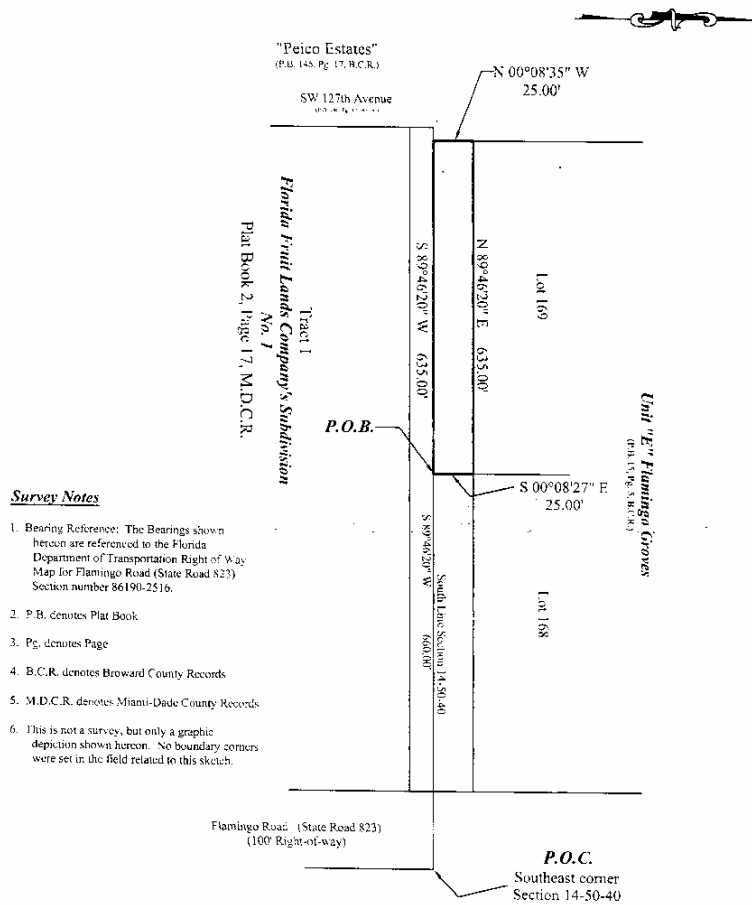
Not Valid without the signature
and original raised seal of a Florida
licensed Surveyor and Mapper

Updates and Revisions		Date	By	QC	NOTE: The undersigned and PATRIOT SURVEYING AND MAPPING, INC. make no representations or guarantees as to the completeness of the information reflected herein pertaining to easements, right-of-way, set-back lines, reservations, agreements or other matters of record. This instrument is intended to reflect as set forth only those items shown in the references above. PATRIOT SURVEYING AND MAPPING, INC. did not research the public records for matters affecting the lands shown. This instrument is the property of PATRIOT SURVEYING AND MAPPING, INC. and shall not be reproduced in whole or in part without written permission of PATRIOT SURVEYING AND MAPPING, INC.		
Job No. 0506-020		Drawn By: DN		QA / QC: DG	FB.	PG.	Scale: NTS

LB # 7303

- Sketch and Description -

Sheet 2 of 3



Survey Notes

1. Bearing Reference: The Bearings shown hereon are referenced to the Florida Department of Transportation Right of Way Map for Flamingo Road (State Road 823) Section number 86190-2516.
 2. P.B. denotes Plat Book
 3. Pg. denotes Page
 4. B.C.R. denotes Broward County Records
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- This is not a survey, but only a graphic depiction shown hereon. No boundary corners were set in the field related to this sketch.

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Job No. 0506-020	Drawn By: 13N	QA / QC: DG	FB.		PG.

**Patriot Surveying and Mapping, Inc.**

3748 NW 124th Avenue Coral Springs, Florida 33065

Phone: (954) 509-0083

Fax: (954) 301-2623

LB # 7303

Sheet 3 of 3

- Legal Description -

A parcel of land lying in Section 14, Township 50 South, Range 40 East, Broward County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 14;

Thence, South 89°46'20" West, along the South line of Section 14, a distance of 660.00 feet the **Point of Beginning**;

Thence, continue along the South line of Section 14, South 89°46'20" West, a distance of 635.00 feet;

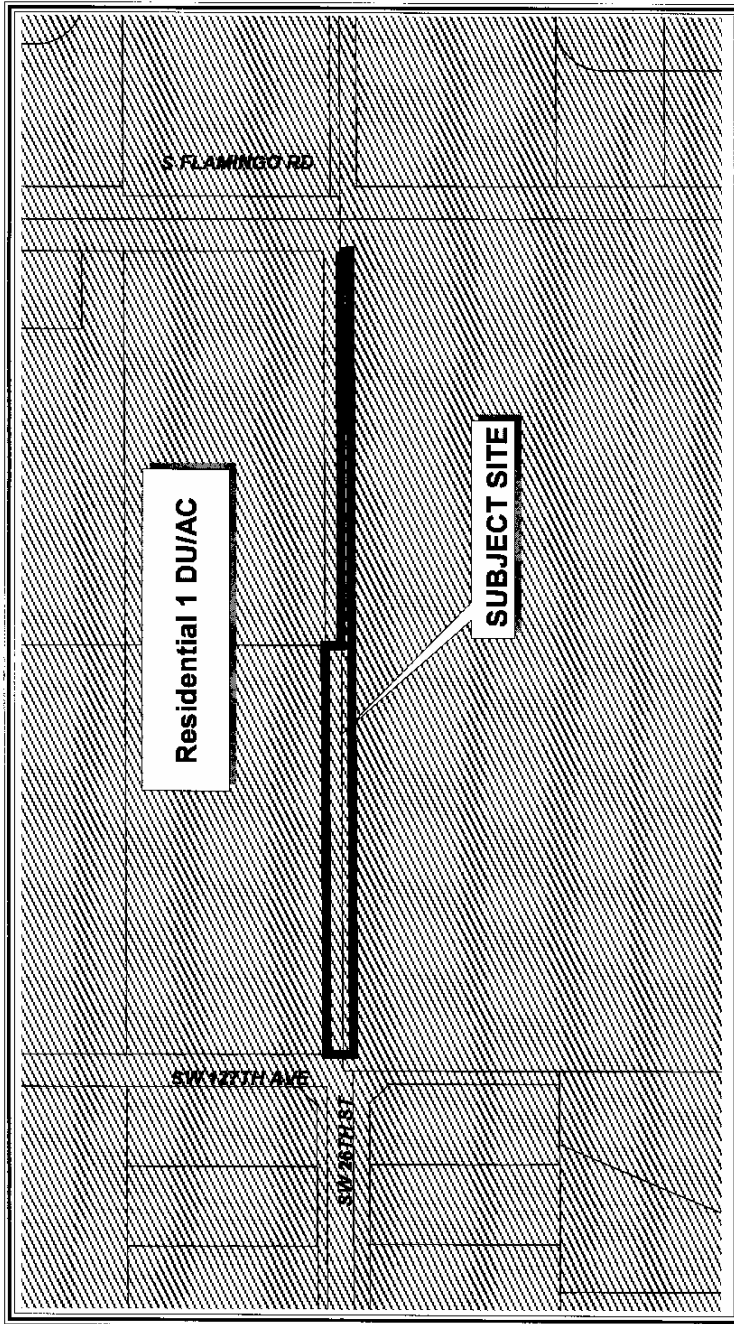
Thence, North 00°08'35" West, a distance of 25.00 feet to the Southwest corner of Lot 169, **Unit "E"**

Flamingo Groves, according to the plat thereof, as recorded in Plat Book 15, Page 5, of the Public Records of Broward County, Florida;

Thence, North 89°46'20" East, along the South line of said Lot 169, a distance of 635.00 feet to the Southeast corner of said Lot 169;

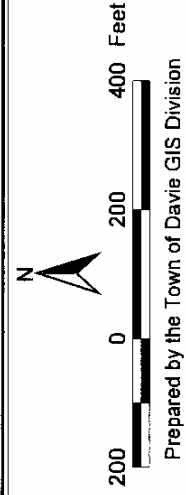
Thence, South 00°08'27" East, a distance of 25.00 feet to the **Point of Beginning**.

Said lands lying and being in the Town of Davie, Broward County, Florida, and containing 15,875 square feet (0.364 acres) more or less.

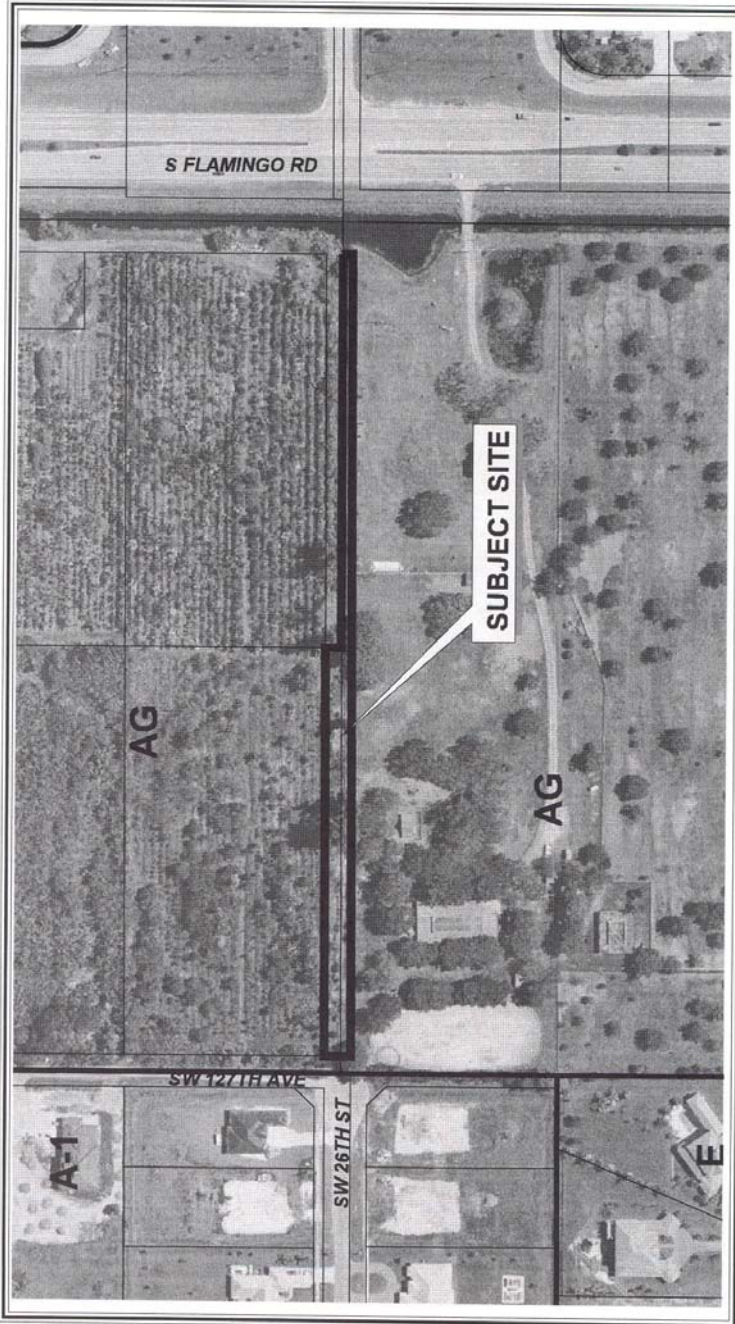


**Vacation of Right of Way
VA 3-1-06
Future Land Use Map**

Prepared By: JD
Date Prepared: 1/26/06



Prepared by the Town of Davie GIS Division



Date Flown:
12/2004



200 0 200 400 Feet



Prepared by the Town of Davie GIS Division



Vacation of Right of Way VA 3-1-06 Zoning and Aerial Map

Prepared By: ID
Date Prepared: 1/25/06